Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

MLM - AIR, WO

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

ALNC, located on Farm-to-Market ("FM") Road 2105 approximately 500 feet east of the intersection of Grape Creek Road and FM Road 2105, San Angelo, Tom Green County

Type of Operation:

Steel fabrication and manufacturing plant

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: The complainant has expressed an interest in this

matter but does not wish to speak at Agenda.

Texas Register Publication Date: February 20, 2015

Comments Received: No

Penalty Information

Total Penalty Assessed: \$19,835

Amount Deferred for Expedited Settlement: \$3,967 **Amount Deferred for Financial Inability to Pay:** \$0

Total Paid to General Revenue: \$15,868

Total Due to General Revenue: \$0

Payment Plan: N/A

SEP Conditional Offset: \$0

Name of SEP: N/A

Compliance History Classifications:

Person/CN - High Site/RN - High

Major Source: No

Statutory Limit Adjustment: N/A Applicable Penalty Policy: April 2014

Investigation Information

Complaint Date(s): May 28, 2014

Complaint Information: Alleged periodically painting outdoors, painting with shop doors open, paint booth at the site does not have the proper filtration system/components, and that outdoor sandblasting activites were occurring at the facility without authorization.

Date(s) of Investigation: June 24, 2014 through July 8, 2014

Date(s) of NOE(s): October 10, 2014

Violation Information

- 1. Failed to obtain authorization to construct and operate a source of air emissions. Specifically, the Respondent failed to obtain authorization to conduct dry abrasive cleaning [30 Tex. Admin. Code § 116.110(a) and Tex. Health & Safety Code §§ 382.085(b) and 382.0518(a)].
- 2. Failed to store paint in closed containers. Specifically, open containers of paint were observed at the Plant [30 Tex. Admin. Code § 106.433(2)(C), Tex. Health & Safety Code § 382.085(b), and Permit by Rule ("PBR") Registration No. 86066].
- 3. Failed to conduct surface coating in an enclosed paint booth equipped with an elevated exhaust stack of at least 1.5 times the building height or 36 feet and dry filters with a 95% removal efficiency and with a face velocity at the filter of 250 feet per minute ("ft/min"). Specifically, it was observed that painting operations were conducted in a partially enclosed paint booth without an exhaust stack attached or filtration components to control emissions [30 Tex. Admin. Code § 106.433(6)(B) and (C), Tex. Health & Safety Code § 382.085(b), and PBR Registration No. 86066].
- 4. Failed to maintain sufficient records in order to demonstrate compliance with the PBR for surface coating. Specifically, records of daily coatings and solvent use and actual hours of operation of each coating or stripping operation, and a monthly report representing actual hours of operation each day, emissions from each day, and emissions from each operation in pounds per hour, pounds per day, pounds per week, and tons emitted in the past year were not being maintained [30 Tex. Admin. Code § 106.433(8)(B) and (C), Tex. Health & Safety Code § 382.085(b), and PBR Registration No. 86066].
- 5. Failed to maintain authorization to discharge stormwater associated with industrial activities under Texas Pollutant Discharge Elimination System ("TPDES") Multi-Sector Industrial General Permit ("MSGP") No. TXR05X853 [30 Tex. Admin. Code § 281.25(a)(4) and 40 Code of Federal Regulations § 122.26(c)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent has implemented the following:

- a. On August 3, 2014, installed a new paint booth door;
- b. On August 8, 2014, began using a third party to conduct dry abrasive cleaning; and
- c. On October 7, 2014, purchased and installed the required exhaust stacks for the paint booth and equipped the paint booth with dry filters with a 95% removal efficiency and with a face velocity at the filter of 250 ft/min.

Technical Requirements:

The Order will require the Respondent to:

- a. Within 30 days:
- i. Implement measures and/or procedures to ensure records are maintained. Specifically:
- (1) Data of daily coatings and solvent use and the actual hours of operation of each coating or stripping operation; and
- (2) A monthly report that represents actual hours of operation each day, and emissions from each operation in the following categories:
- (a) Pounds per hour;
- (b) Pounds per day;
- (c) Pounds per week; and
- (d) Tons emitted from the Plant during the previous 12 months.
- ii. Implement measures and/or procedures to ensure paint is stored in closed containers;
- iii. Develop and implement a Storm Water Pollution Prevention Plan to comply with the requirements of TPDES MSGP No. TXR050000; and
- iv. Submit a completed Notice of Intent.
- b. Within 45 days, submit written certification demonstrating compliance with Ordering Provision a.

Litigation Information

Date Petition(s) Filed: N/A
Date Answer(s) Filed: N/A
SOAH Referral Date: N/A
Hearing Date(s): N/A
Settlement Date: N/A

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Farhaud Abbaszadeh, Enforcement Division, Enforcement Team 4, MC 149, (512) 239-0779; Candy Garrett, Enforcement Division,

MC 219, (512) 239-1456

TCEQ SEP Coordinator: N/A

Respondent: Colby Odell, Maintenance Manager, ALNC, INC., 2152 West Farm-to-

Market Road 2105, San Angelo, Texas 76901

Clint N. Barta, Vice President/Owner, ALNC, INC., 2152 West Farm-to-Market Road

2105, San Angelo, Texas 76901 **Respondent's Attorney:** N/A

Penalty Calculation Worksheet (PCW) PCW Revision March 26, 2014 Policy Revision 4 (April 2014) Assigned 13-Oct-2014 Screening 20-Oct-2014 PCW 20-Oct-2014 **EPA Due** RESPONDENT/FACILITY INFORMATION Respondent ALNC, INC. Reg. Ent. Ref. No. RN105218556 Major/Minor Source Minor Facility/Site Region 8-San Angelo **CASE INFORMATION** Enf./Case ID No. 49542 No. of Violations Order Type 1660 Docket No. 2014-1588-MLM-E Media Program(s) Air Government/Non-Profit No Enf. Coordinator Farhaud Abbaszadeh Multi-Media Water Quality EC's Team Enforcement Team 4 Admin. Penalty \$ Limit Minimum Maximum \$25,000 Penalty Calculation Section TOTAL BASE PENALTY (Sum of violation base penalties) \$20,625 Subtotal 1 ADJUSTMENTS (+/-) TO SUBTOTAL 1 Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage. Compliance History Subtotals 2, 3, & 7 -\$2,062 -10.0% Enhancement Reduction for high performer classification. Notes Subtotal 4 Culpability No 0.0% Enhancement \$0 The Respondent does not meet the culpability criteria. Notes Good Faith Effort to Comply Total Adjustments Subtotal 5 -\$937 0.0% Enhancement* Subtotal 6 \$0 Total EB Amounts Capped at the Total EB \$ Amount \$3,494 Estimated Cost of Compliance SUM OF SUBTOTALS 1-7 \$17,626 OTHER FACTORS AS JUSTICE MAY REQUIRE \$2,209 12.5% Adjustment Reduces or enhances the Final Subtotal by the indicated percentage Enhancement to capture the avoided costs associated with compliance Notes

with Violation 1.

Deferral offered for expedited settlement.

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

20.0%

STATUTORY LIMIT ADJUSTMENT

Notes

PAYABLE PENALTY

Final Penalty Amount

Final Assessed Penalty

Reduction Adjustment

\$19,835

\$19,835

-\$3,967

\$15,868

PCW

Policy Revision 4 (April 2014) PCW Revision March 26, 2014

Respondent ALNC, INC. **Case ID No.** 49542

Reg. Ent. Reference No. RN105218556

Media [Statute] Air

Enf. Coordinator Farhaud Abbaszadeh

NOVs the current enforcement action (Other written NOVs Any agreed final enforcement of orders meeting criteria) Orders Any adjudicated final enforcer without a denial of liability, of government, or any final prohibits Any non-adjudicated final court of liability of this state or the consent decrees meeting criteria	OVs") with same or similar violations as those in (number of NOVs meeting criteria) Orders containing a denial of liability (number of 0) ment orders, agreed final enforcement orders or default orders of this state or the federal itory emergency orders issued by the commission	0% 0% 0%
Any agreed final enforcement of orders meeting criteria (and orders meeting criteria) Orders Any adjudicated final enforcer without a denial of liability, of government, or any final prohibit of liability of this state or the consent decrees meeting criteria	ment orders, agreed final enforcement orders or default orders of this state or the federal itory emergency orders issued by the commission	******
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	director of an intended audit conducted under the and Safety Audit Privilege Act, 74th Legislature, 0 th notices were submitted)	0%
Disclosures of violations under the	he Texas Environmental, Health, and Safety Audit 1995 (number of audits for which violations were 0	0%
	Please Enter Ye	
Environmental management syst	tems in place for one year or more No	0%
Voluntary on-site compliance as under a special assistance progra	ssessments conducted by the executive director am	0%
Participation in a voluntary pollu		0%
Early compliance with, or offer government environmental requ	of a product that meets future state or federal irements	0%
	Adjustment Percentage	(Subtotal 2
epeat Violator (Subtotal 3)		
No No	Adjustment Percentage	(Subtotal 3
mpliance History Person Classification (Subt	otal 7)	
High Performer	Adjustment Percentage	(Subtotal 7
mpliance History Summary		
Compliance History Redu Notes	uction for high performer classification.	

Reg. Ent. Re Medi Enf. (a [Statute] Coordinator	ALNC, INC. 49542 RN105218556 Air Farhaud Abbaszadeh	Docket No. 2014-1588-MLM-E	PCW Policy Revision 4 (April 2014) PCW Revision March 26, 2014
Viol	ation Number Rule Cite(s)		§ 116.110(a) and Tex. Health & Safety Code §§ 382. and 382.0518(a)	.085(b)
Violatio	on Description		rization to construct and operate a source of air emi- indent failed to obtain authorization to conduct dry a cleaning.	
				Penalty \$25,000
>> Environme	Release Actual		m rate Minor	
>>Programma	Potential tic Matrix Falsification	Major Moder	rate Minor Percent 0.0% Percent 5.0%	
Matrix Notes			ne rule requirement was not met.	
			Adjustment	\$23,750 \$1,250
Violation Even	ts			
	Number of Number	daily weekly monthly quarterly x	45 Number of violation da	
	with the X	semlannual annual single event		
	One quarterly		based on the June 24, 2014 investigation date to the 2014 date of compliance.	August
Good Faith Effo	orts to Com	Before NOE Extraordinary Ordinary x N/A The Res		duction \$312
			Enforcement ("NOE"). Violation S	ubtotal \$938
Economic Bene	fit (EB) for	this violation	Statutory Limit 1	est
	Estimate	ed EB Amount	\$2,209 Violation Final Penalt	
		ihis	violation Final Assessed Penalty (adjusted for	limits) \$915

	E	conomic	Benefit	Wo	rksheet		
Respondent Case ID No. Reg. Ent. Reference No. Media Violation No.	49542 RN105218556 Air					Percent Interest	Years of Depreciation
Violation No.	1					r o	
	Itam Cast	Data Daguinad	Final Date		Takana Sanad	5.0 Onetime Costs	15
Item Description		Date Required	Fillal Date	715	Interest Saveo	Unetime Costs	EB Amount
tem pescription	NO CONTINUES OF \$						
Delayed Costs							
Equipment	/////////////////////////////////////	r		0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)			**************	0.00	\$0	\$0	\$0 \$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0
Notes for DELAYED costs					atimumumi malaida		
Avoided Costs	ANNUAL	IZE [1] avoided	costs before			for one-time avoid	
Disposal	 	<u> </u>		0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
spection/Reporting/Sampling		ļ	************	0.00	\$0	\$0	\$0
Supplies/Equipment		<u> </u>		0.00	\$0	\$0	<u>\$0</u>
Financial Assurance [2]			-	0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	#2.100	1		0.00	\$0	\$0	\$0
Other (as needed)	\$2,100	24-Jun-2014	8-Aug-2014	1.04	\$109	\$2,100	\$2,209
Notes for AVOIDED costs			Date is the date	the Re		. The Date Required sing a third party to	
Approx. Cost of Compliance		\$2,100			TOTAL		\$2,209

Screening Date		Docket No. 2014-1588-M		PCW
Respondent Case ID No. Reg. Ent. Reference No. Media [Statute]	49542 RN105218556			Revision 4 (April 2014) evision March 26, 2014
Enf. Coordinator Violation Number	Farhaud Abbaszadeh			
Rule Cite(s)		§ 106.433(2)(C), Tex. Health & Safety Code rmit by Rule ("PBR") Registration No. 86066		
Violation Description	Failed to store paint in c	closed containers. Specifically, open contain observed at the Plant.	ers of paint were	
			Base Penalty	\$25,000
>> Environmental, Proper	Harn	1		
OR Release OR Actual Potential		ate Minor X Percent	5.0%	·
>>Programmatic Matrix Falsification	Major Modera	ate Minor		
		Percent	0.0%	
MATRIY R		as been exposed to insignificant amounts of ctive of human health or environmental reco of the violation.	· a	
		Adjustment	\$23,750	
				\$1,250
Violation Events				
Number of \	Violation Events 1	1 Number of vio	plation days	
mark only one with an x	daily weekly monthly quarterly semiannual annual	Violatio	on Base Penalty[\$1,250
harrassassassassas	single event <u>x</u>			
	One sir	ngle event is recommended.		
Good Faith Efforts to Com	ply 0. Before NOE/ Extraordinary	NOV NOE/NOV to EDPRP/Settlement Offer	Reduction	\$0
	Ordinary N/A x	(mark with x)		
	Notes The Res	pondent does not meet the good faith criter this violation.	ia for	
		Vio	lation Subtotal	\$1,250
Economic Benefit (EB) for	this violation	Statutory	Limit Test	
Estimate	ed EB Amount		al Penalty Total	\$1,266
	This	s violation Final Assessed Penalty (adju	sted for limits)	\$1,266

Respondent Case ID No. Reg. Ent. Reference No.	ALNC, INC. 49542	conomic	Benefit	Wo	rksheet		
Media	Air					Percent Interest	Years of
Violation No.	2						Depreciation
	******	D-1- D	P1 N			5.0	15
Item Description		Date Required	Final Date	ris	Tillerest Saveu	Onetime Costs	EB Amount
Delayed Costs							
Delayeu Costs Equipment		T		0.00	T #0	- ±δ	±0
Buildings		 		0.00	\$0 \$0	\$0 \$0	<u>\$0</u> \$0
Other (as needed)		 		0.00	\$0 \$0	<u>\$0</u> \$0	\$0 \$0
Engineering/Construction	 	 		0.00	\$0 \$0	\$0 \$0	\$0
Land			 	0.00	\$0	n/a	\$0
Record Keeping System	******************			0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$100	24-Jun-2014	20-Apr-2015	0.82	\$4	n/a	\$4
Notes for DELAYED costs	The Date Re	quired is the date	of the invection	, b. occ	anico co crisos e bi	aint is stored in close	
Avoided Costs	ANNUAL					he estimated date o	f compliance.
Avoided Costs	ANNUAL			enterii	ng item (except	for one-time avoid	f compliance.
Avoided Costs Disposal Personnel	ANNUAL			enterir 0.00	ng item (except \$0	for one-time avoid	f compliance. led costs) \$0
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Disposal Personnel	ANNUAL			0.00 0.00 0.00	s0 \$0 \$0 \$0 \$0	for one-time avoid \$0 \$0 \$0 \$0	f compliance. led costs) \$0 \$0 \$0 \$0
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Disposal Personnel nspection/Reporting/Sampling Supplies/Equipment	ANNUAL			0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	for one-time avoid \$0 \$0 \$0 \$0 \$0	f compliance. led costs) \$0 \$0 \$0 \$0
Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance [2]	ANNUAL			0.00 0.00 0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0 \$0 \$0	for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0	f compliance. SO
Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance [2] ONE-TIME avoided costs [3]	ANNUAL			0.00 0.00 0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0	f compliance. led costs
Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	ANNUAL			0.00 0.00 0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0	f compliance. led costs

Percent 5.0% Release Major Moderate Minor Actual Percent 5.0% Percent 5.0% Percent 5.0% Percent 5.0% Percent 0.0% Human health or the environment has been exposed to insignificant amounts of pollutants that would not exceed levels that are protective of human health or environmental receptors as a result of the violation. Adjustment 523,750 S1,25 Number of Violation Events Number of Violation Events Number of Violation Events Number of Violation Events Two quarterly events are recommended based on the June 24, 2014 investigation date to the October 7, 2014 date of compliance. Two quarterly events are recommended based on the Dine 24, 2014 investigation date to the October 7, 2014 date of compliance. The quarterly events are recommended based on the Dine 24, 2014 investigation date to the October 7, 2014 date of compliance. The quarterly events are recommended based on the Dine 24, 2014 investigation date to the October 7, 2014 date of compliance. Extraordinary Notes The Respondent completed corrective actions by October 7, 2014 prior to the October 10, 2014 NOE. Violation Subtotal 51,875 Connomic Benefit (EB) for this violation 5917 Violation Final Penalty Total 51,875			20-Oct-2014	Docket No. 2014-1588-MLM-E		PCW
Red. Statute J. Ref. Coordinator Farhaud Abbaszadeh Violation Number Violation Description Reflease Major Moderate Minor Actual Actua						
Media Statute Amount Formation Percent Solution Percent S					PCW Revision Marci	7 26, 2014
Violation Number Rule Cite(s) 30 Tex. Admin. Code § 106.433(6)(8) and (C). Tex. Health & Safety Code § 382.085(b), and PBR registration flo. 86066 Falled to conduct surface coating in an enclosed gaint booth equipped with an elevated exhaust stack of at least 1.5 times the building height or 36 feet and dry filters with a 95% removal efficiency and with a face velocity at the filter of 250 feet per milure ("Virtim"). Specificially, it was observed that sparing sperations were conducted in a pair milure ("Virtim"). Specificially, it was observed that sparing sperations were conducted in a pair milure ("Virtim"). Specificially, it was observed that sparing sperations were conducted in a pair milure ("Virtim"). Specificially, it was observed that sparing sperations were conducted in a pair milure ("Virtim"). Specificially, it was observed that sparing stack attached or filtration components to control emissions. Base Penalty 525,00 **Service Major Moderate Minor Percent 5,0% **Programmatic Matrix* Notes **Notes** **Notes** **Major Moderate Minor Percent 0.0% **Adjustment 323,750 **Specificial Complete Components to control emissions. **Adjustment 5,0% **Adjustment 6,0% **Adjustment 6,0% **Adjustment 6,0% **Adjustment	Media [Statute]	Air			
Rule Cite(s) 30 Tex. Admin. Code \$ 306.433(6)(B) and (c). Tex. Health & Safety Code \$ 382.085(b), and PRR Registration No. 86066 Falled to conduct surface coating in an enclosed gaint booth equipped with an elevated exhaust stack of at least 1.5 times the building height or 36 feet and dry infinites with a 95% removal efficiency and with a face velocity at the filter of 250 feet per minute ("Hymin"). Specifically, it was observed that painting operations were conducted in a partially enclosed paint bodow which are exhaust stack attached or filtration components to centrol emissions. **Base Penalty** **Sensition Events** **Notes** Number of Violation Events** **Notes** **Notes** Number of Violation Events** **Notes** **Notes** **Notes** **Notes** **Notes** **Notes** **Notes** Notes** **Notes**						
Sale, 205(b), and PBR Registration to. 8666 Failed to conduct surface coating in an enclosed gaint booth equipped with an elevated exhaust stack of at least. 1.5 times the building height or 36 feet and dry filters with a 95% removal efficiency and with a face velocity at the filter of 250 feet per minute ("filtram"). Specifically, it was observed that painting operations were conducted in a partially enclosed paint booth without an exhaust stack at stacked or filtration components to control emissions. Base Penalty			3			
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Human health or the environment has been exposed to insignificant amounts of pollutants that would not exceed levels that are protective of human health or environmental receptors as a result of the violation. **Adjustment** **Adjustment** **Adjustment** **Adjustment** **Adjustment** **\$23,750* **\$1,250* ***Initiation Events** Number of Violation Events** Number of Violation Events** **Number of Violation Events** **Number of Violation Events** **Number of Violation Events** **Number of Violation Events** **Violation Base Penalty** **Superior Control of the Superior Compliance** **Notes** **Two quarterly events are recommended based on the June 24, 2014 investigation date to the October 7, 2014 date of compliance. **Sood Faith Efforts to Comply** **Extraordinary** **Ordinary** **Notes** **The Respondent completed corrective actions by October 7, 2014 prior to the October 10, 2014 NOE. **Violation Subtotal** **Statutory Limit Test** Estimated EB Amount** **Sp17* Violation Final Penalty Total** **\$1,825*						
Human health or the environment has been exposed to insignificant amounts of pollutants that would not exceed levels that are protective of human health or environmental receptors as a result of the violation. **Adjustment** **Adjustment** **Adjustment** **Adjustment** **Adjustment** **\$23,750* **\$1,250* ***Initiation Events** Number of Violation Events** Number of Violation Events** **Number of Violation Events** **Number of Violation Events** **Number of Violation Events** **Number of Violation Events** **Violation Base Penalty** **Superior Control of the Superior Compliance** **Notes** **Two quarterly events are recommended based on the June 24, 2014 investigation date to the October 7, 2014 date of compliance. **Sood Faith Efforts to Comply** **Extraordinary** **Ordinary** **Notes** **The Respondent completed corrective actions by October 7, 2014 prior to the October 10, 2014 NOE. **Violation Subtotal** **Statutory Limit Test** Estimated EB Amount** **Sp17* Violation Final Penalty Total** **\$1,825*						
Human health or the environment has been exposed to insignificant amounts of pollutants that would not exceed levels that are protective of human health or environmental receptors as a result of the violation. Adjustment	258388838888888888888888888888888888888	catha cacatha an cottain	Major Mode	erate Minor		
Would not exceed levels that are protective of human health or environmental receptors as a result of the violation. Statutory Limit Test						
Would not exceed levels that are protective of human health or environmental receptors as a result of the violation. Statutory Limit Test	F====					
Section Sect	Matrix H	luman heal	th or the environment	has been exposed to insignificant amounts of pollutants	that	
Adjustment \$23,750 \$1,25i \$1,25	Notes	uia not exc	eed levels that are prot		result	
Salabion Events Salabion Salabion Events	<u> </u>	*****				
Number of Violation Events Number of Violation Events 2				Adjustment \$	23,750	
Number of Violation Events Number of Violation Events 2						¢1 250
Number of Violation Events 2 105 Number of violation days daily					<u>.</u>	\$1,230
Maily Weekly The monthly Weekly	Violation Events					
Maily Weekly The monthly Weekly	·N	Jumber of \	/iolation Events	105 Number of violation day	re.	
weekly monthly quarterly semiannual annual single event Two quarterly events are recommended based on the June 24, 2014 investigation date to the October 7, 2014 date of compliance. Two quarterly events are recommended based on the June 24, 2014 investigation date to the October 7, 2014 date of compliance. Reduction \$625 Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer Extraordinary	•	tarriber or t	riolation Events	105 Number of Violation day	3.	
Two quarterly events are recommended based on the June 24, 2014 investigation date to the October 7, 2014 date of compliance. Comply						
Two quarterly events are recommended based on the June 24, 2014 investigation date to the October 7, 2014 date of compliance. Two quarterly events are recommended based on the June 24, 2014 investigation date to the October 7, 2014 date of compliance. Second Faith Efforts to Comply Extraordinary Ordinary Notes The Respondent completed corrective actions by October 7, 2014 prior to the October 10, 2014 NOE. Violation Subtotal \$1,875 Conomic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount \$917 Violation Final Penalty Total \$1,825						
Two quarterly events are recommended based on the June 24, 2014 investigation date to the October 7, 2014 date of compliance. Comply			<u> </u>	Violation Base Po	enalty	\$2.500
Two quarterly events are recommended based on the June 24, 2014 investigation date to the October 7, 2014 date of compliance. Second Faith Efforts to Comply	V	with an x		Troidtion Base 1		Ψ2,500
Two quarterly events are recommended based on the June 24, 2014 investigation date to the October 7, 2014 date of compliance. Section						
October 7, 2014 date of compliance. Section			single event			
October 7, 2014 date of compliance. Section		K	4			
Sood Faith Efforts to Comply Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer Extraordinary Ordinary x N/A Notes The Respondent completed corrective actions by October 7, 2014 prior to the October 10, 2014 NOE. Violation Subtotal \$1,875 conomic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount \$917 Violation Final Penalty Total \$1,825	l l	i wo quartei			the	
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Ordinary x N/A Notes The Respondent completed corrective actions by October 7, 2014 prior to the October 10, 2014 NOE. Violation Subtotal \$1,875 conomic Benefit (EB) for this violation Estimated EB Amount \$917 Violation Final Penalty Total \$1,829		96,500,000,000,000,000,000,000,000,000,00	Before NO			
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Notes The Respondent completed corrective actions by October 7, 2014 prior to the October 10, 2014 NOE. Violation Subtotal \$1,875 conomic Benefit (EB) for this violation Estimated EB Amount \$917 Violation Final Penalty Total \$1,829			· [
7, 2014 prior to the October 10, 2014 NOE. Violation Subtotal \$1,875 conomic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount \$917 Violation Final Penalty Total \$1,829			i i			
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Estimated EB Amount \$917 Violation Final Penalty Total \$1,829				violation Su	บเบยสา	\$1,875
	Economic Benefit ((EB) for	this violation	Statutory Limit Te	st	
		Estimate	d EB Amount	\$917 Violation Final Penalty	Total	\$1 820
This violation Final Assessed Penalty (adjusted for limits) \$1,829					-	
			Th	us violation Final Assessed Penalty (adjusted for li	imits)	\$1,829

	E	conomic	Benefit	Wo	rksheet		
Respondent Case ID No. Reg. Ent. Reference No.	ALNC, INC. 49542						
Media Violation No.	Air	en 1865 en trom soutre. La demokratisk trompskater				Percent Interest	Years of Depreciation
						5.0	15
		Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$						
Delayed Costs	 			,	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,		,
Equipment				0.00	\$0	\$0	\$0
Buildings	#41 330	34 1 = 3014	3 54 3614	0.00	\$0	<u>\$0</u>	\$0
Other (as needed)	\$41,730	24-Jun-2014	7-Oct-2014	0.29	\$40	\$800	\$840
Engineering/Construction Land		<u> </u>	****	0.00	\$0 \$0	\$0	\$0
Record Keeping System		 		0.00	\$0 \$0	n/a	\$0
Training/Sampling	 	ļl	-	0.00	<u>\$0</u> \$0	n/a	\$0
Remediation/Disposal				0.00	\$0 \$0	n/a n/a	\$0 \$0
Permit Costs		 		0.00	\$0 \$0	n/a	<u>\$0</u> \$0
Other (as needed)	\$14,000	24-Jun-2014	3-Aug-2014		\$0 \$77	n/a	\$77
Notes for DELAYED costs	the paint boot velocity at the	h, and to equip the filter of 250 ft/m	e paint booth v in. The Date R the d	vith dry equired ates of	filters with a 95% is the date of the compliance.	all the required exhi- removal efficiency investigation. The	and with a face Final Dates are
Avoided Costs	ANNUAL	rcc [1] avoined	costs before			or one-time avoid	***********
Disposal		 		0.00	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling Supplies/Equipment		 		0.00	\$0 \$0	\$0 \$0	\$0
Financial Assurance [2]		 		0.00	<u>\$0</u> \$0	\$0 \$0	\$0 \$0
ONE-TIME avoided costs [3]		 		0.00	\$0 \$0	\$0 \$0	\$0 \$0
Other (as needed)		†		0.00	\$0 \$0	\$0 \$0	\$0
Notes for AVOIDED costs					Y		
Approx. Cost of Compliance		\$55,730			TOTAL		\$917

Revision 4 (April 201-	20-Oct-2014 Docket No. 2014-1588-MLM-E	—
evision March 26, 201		Respondent Case ID No.
	RN105218556	Reg. Ent. Reference No.
	Air	Media [Statute] Enf. Coordinator
	ramaud Abbaszaden	Violation Number
	30 Tex. Admin. Code § 106.433(8)(B) and (C), Tex. Health & Safety Code § 382.085(b), and PBR Registration No. 86066	Rule Cite(s)
	Failed to maintain sufficient records in order to demonstrate compliance with the PBR for surface coating. Specifically, records of daily coatings and solvent use and actual hours of operation of each coating or stripping operation, and a monthly report representing actual hours of operation each day, emissions from each day, and emissions from each operation in pounds per hour, pounds per day, pounds per week, and tons emitted in the past year were not being maintained.	Violation Description
\$25,00	Base Penalty	
	ty and Human Health Matrix	× Environmantal D-cas
	Harm	-> ciiviroinnemai, Fropei
	Major Moderate Minor	Release OR Actual
	Percent 0.0%	Potential
	Major Moderate Minor	>> Programmatic Matrix Falsification
	X Percent 2.5%	
	30% to 70% of the rule requirement was not met.	Matrix
	The state of the s	Notes
		Constantina
	Adjustment \$24,375	
\$62	- Constitution of the Cons	
		iolation Events
	riolation Events 1 118 Number of violation days	
	323	
	dailyweekly	
	daily	mark only one
\$62	weekly monthly violation Base Penalty Violation Base Penalty	mark only one with an х
\$62	weekly	
\$62	weekly monthly Violation Base Penalty semiannual	
\$62	weekly monthly quarterly Violation Base Penalty semiannual annual	
\$62	weekly monthly quarterly Violation Base Penalty semiannual annual	
\$62	weekly monthly quarterly semiannual annual single event x	
\$62: \$	weekly monthly quarterly Violation Base Penalty semiannual annual single event x One single event is recommended.	
	weekly monthly quarterly violation Base Penalty semiannual annual single event x One single event is recommended. One single event is recommended. Reduction Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer	with an x
	weekly monthly quarterly Violation Base Penalty Semiannual annual single event	with an x
	weekly monthly quarterly Violation Base Penalty Semiannual annual single event	with an x
	weekly monthly quarterly Semiannual annual single event X	with an x
	weekly monthly quarterly Violation Base Penalty Semiannual annual single event	with an x
\$(weekly monthly quarterly semiannual annual single event	with an x
	weekly monthly quarterly semiannual annual single event X	with an x
\$625	weekly monthly quarterly semiannual annual single event x	with an x Good Faith Efforts to Com Conomic Benefit (EB) for
\$(weekly monthly quarterly semiannual annual single event X	with an x Good Faith Efforts to Com Conomic Benefit (EB) for

Violation No.	Air 4					Percent Interest	Years of Depreciation
						5.0	1
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$						
Delayed Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction		ļ		0.00	\$0	\$0	\$0
Land	\$500	 		0.00	\$0	n/a	\$0
Record Keeping System	\$500	24-Jun-2014	20-Apr-2015	0.82	\$21	n/a	\$21
Training/Sampling		 		0.00	\$0	n/a	<u>\$0</u>
Remediation/Disposal	**************************************	 		0.00	<u>\$0</u>	n/a	\$0
Permit Costs Other (as needed)				0.00	\$0 \$0	n/a n/a	<u>\$0</u> \$0
	requirements	The Date Requi	red is the date o	of the ir	ovestigation. The I	final Data ic the acti	
Notes for DELAYED costs				compli	ance.		
Avoided Costs				compli enterin	ance. ig item (except	for one-time avoid	led costs)
Avoided Costs Disposal				compli enterin	ance. ig item (except) \$0	for one-time avoid	led costs) \$0
Avoided Costs Disposal Personnel				compli enterin 0.00 0.00	ance. ng item (except i \$0 \$0	for one-time avoid	ged costs) \$0 \$0
Avoided Costs Disposal Personnel spection/Reporting/Sampling				compli nterir 0.00 0.00 0.00	ance. ng item (except \$0 \$0 \$0 \$0	for one-time avoid \$0 \$0 \$0	ed costs \$0 \$0 \$0
Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/Equipment				0.00 0.00 0.00 0.00	ance. 1g item (except	for one-time avoic \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/Equipment Financial Assurance [2]				0.00 0.00 0.00 0.00 0.00	ance. 1g item (except	for one-time avoic \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/Equipment				0.00 0.00 0.00 0.00	ance. 1g item (except	for one-time avoic \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0

	ening Date			Do	cket No. 2	014-1588-MLM-	E	PCW
	espondent						•	Revision 4 (April 2014)
Reg. Ent. Ref	ase ID No. erence No.						PCW F	Revision March 26, 2014
	[Statute]							
Enf. C	oordinator	Farhaud Abbas	zadeh					
Viola	tion Number	<u> </u>						
	Rule Cite(s)	30 Tex. Ad	dmin. Code § 2		and 40 Code 26(c)	of Federal Regul	ations §	
			**************************************		<u> </u>			
Violation	n Description		Texas Pollutan	it Discharge		ter associated wi system Multi-Sect 53.		
						В	ase Penalty	\$25,000
>> Environmen	ıtal, Propei	ty and Hum	an Health M Harm	latrix				
	Release	Major	Moderate	Minor				
OR	Actual					·		
	Potential		<u> </u>		F	Percent 0.09	<u>%</u>	
>>Programmat								
ı	Falsification	Major I x	Moderate	Minor		Percent 5.0	2/2	
Į.		<u> </u>	<u> </u>	السسسسسا		- ercent	70]	
Matrix								
Notes		10	00% of the rule	requiremen	t was not me	t. ::::::::::::::::::::::::::::::::::::		
L								
					Adju	ıstment	\$23,750	
								\$1,250
								41,200
Violation Event	S							
	Number of	Violation Events	12	[1070	lumber of violation	on days	
		daily weekly						
		monthly						
	mark only one with an x	quarterly	×			Violation B	ase Penalty	\$15,000
		semiannual annual						
		single event						
F		•						
	Twelve qua					14, 2011 permit	expiration	
		dat	te to the Octobe	er 20, 2014	screening dat	e.		
		•						40
Good Faith Effo	rts to Com		0.0% Sefore NOE/NOV I	NOF/NOV to EI	PRP/Settlement	: Offer	Reduction	\$0
		Extraordinary						
		Ordinary						
		N/A	(I	mark with x)			7	
		Notes	The Responde		_	od faith criteria fo	r	
		110000		this	violation.			
						\/:_l_±!	on Eubtotol	\$15,000
			5050055555444444444	ا المحادث المح			on Subtotal	\$15,000
Economic Bene	fit (EB) for	this violatio	n			Statutory Lin	nit Test	
	Estimat	ed EB Amount		\$343	Vi	olation Final Pe	enalty Total	\$15,192
		•	This wist-	tion Final	Accessed Da	enalty (adjusted	l for limite\	\$15,192
			THIS VIUIC	acion findi	nuacaacu Pe	maicy (aujusted	o	913,132

Economic Benefit Worksheet Respondent ALNC, INC. **Case ID No.** 49542 Reg. Ent. Reference No. RN105218556 Media Air Years of **Percent Interest** Depreciation Violation No. 5 15 Yrs Interest Saved Onetime Costs Item Cost Date Required Final Date **EB Amount** Item Description No commas or \$ **Delayed Costs** 0.00 \$0 \$0 Equipment \$0 Buildings 0.00 \$0 \$0 \$0 Other (as needed) 0.00 \$0 \$0 \$0 **Engineering/Construction** 0.00 \$0 \$0 \$0 0.00 \$0 n/a Record Keeping System 0.00 \$0 n/a \$0 Training/Sampling 0.00 \$0 \$0 n/a Remediation/Disposal 0.00 \$0 \$0 n/a 20-Apr-2015 \$2,000 14-Nov-2011 Permit Costs 3.43 \$343 n/a \$343 0.00 Other (as needed) \$0 Estimated cost associated with preparing and submitting a Notice of Intent to obtain authorization and developing and implementing a stormwater pollution prevention plan. The Date Required is the date the Notes for DELAYED costs previous permit expired. The Final Date is the estimated date of compliance. ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs) Avoided Costs Disposal 0.00 \$0 \$0 \$0 Personnel 0.00 \$0 \$0 \$0 Inspection/Reporting/Sampling 0.00 \$0 \$0 \$0 Supplies/Equipment 0.00 \$0 \$0 \$0 0.00 \$0 \$0 Financial Assurance [2] \$0 ONE-TIME avoided costs [3] 0.00 \$0 \$0

\$2,000

Other (as needed)

Notes for AVOIDED costs

Approx. Cost of Compliance

\$0

\$0

TOTAL

\$0

\$343

0.00

To request a more accessible version of this report, please contact the TCEO Help Desk at (512) 239-4357.



Compliance History Report

History

PENDING Compliance History Report for CN603107699, RN105218556, Rating Year 2014 which includes Compliance

(CH) components from September 1, 2009, through August 31, 2014.

Customer, Respondent, CN603107699, ALNC, INC.

Classification: HIGH

Rating: 0.00

or Owner/Operator: Regulated Entity:

RN105218556, ALNC

Classification: HIGH

Rating: 0.00

Complexity Points:

5

Repeat Violator: NO

CH Group:

09 - Construction

Location:

ON FARM-TO-MARKET ROAD 2105 APPROXIMATELY 500 FEET EAST OF THE INTERSECTION OF GRAPE CREEK

ROAD AND FARM-TO-MARKET ROAD 2105 SAN ANGELO, TX, TOM GREEN COUNTY

TCEQ Region:

REGION 08 - SAN ANGELO

ID Number(s):

AIR NEW SOURCE PERMITS REGISTRATION 86066

PETROLEUM STORAGE TANK REGISTRATION

REGISTRATION 86498

Compliance History Period: September 01, 2009 to August 31, 2014

Rating Year: 2014

Rating Date: 09/01/2014

Date Compliance History Report Prepared: October 24, 2014

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: October 20, 2009 to October 20, 2014

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: Farhaud Abbaszadeh

Phone: (512) 239-0779

Site and Owner/Operator History:

1) Has the site been in existence and/or operation for the full five year compliance period?

YES

2) Has there been a (known) change in ownership/operator of the site during the compliance period?

NO

3) If YES for #2, who is the current owner/operator?

N/A

4) If YES for #2, who was/were the prior

N/A

owner(s)/operator(s)?

5) If **YES**, when did the change(s) in owner or operator occur?

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

N/A

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

N/A

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

_ _

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



§	BEFORE THE
§	
§	TEXAS COMMISSION ON
§	
§	ENVIRONMENTAL QUALITY
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AGREED ORDER DOCKET NO. 2014-1588-MLM-E

I. JURISDICTION AND STIPULATIONS

On	, the Texas Commission on Environmental Quality ("the
Commission" or "TCEQ") con	sidered this agreement of the parties, resolving an enforcement
action regarding ALNC, INC.	("Respondent") under the authority of TEX. HEALTH & SAFETY
CODE ch. 382 and TEX. WATER	R CODE chs. 7 and 26. The Executive Director of the TCEQ,
through the Enforcement Div	ision, and the Respondent together stipulate that:

- 1. The Respondent owns and operates a steel fabrication and manufacturing plant located on Farm-to-Market Road 2105 approximately 500 feet east of the intersection of Grape Creek Road and Farm-to-Market Road 2105 in San Angelo, Tom Green County, Texas (the "Plant").
- 2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12) and adjoins, is contiguous with, surrounds, or is near or adjacent to water in the state under TEX. WATER CODE § 26.001(5).
- 3. The Executive Director and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
- 4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about October 15, 2014.
- 5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

- 6. An administrative penalty in the amount of Nineteen Thousand Eight Hundred Thirty-Five Dollars (\$19,835) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Fifteen Thousand Eight Hundred Sixty-Eight Dollars (\$15,868) of the administrative penalty and Three Thousand Nine Hundred Sixty-Seven Dollars (\$3,967) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.
- 7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
- 8. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a).
- 9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:
 - a. On August 3, 2014, installed a new paint booth door;
 - b. On August 8, 2014, began using a third party to conduct dry abrasive cleaning; and
 - c. On October 7, 2014, purchased and installed the required exhaust stacks for the paint booth and equipped the paint booth with dry filters with a 95% removal efficiency and with a face velocity at the filter of 250 feet per minute ("ft/min").
- 10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
- 11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
- 12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Plant, the Respondent is alleged to have:

1. Failed to obtain authorization to construct and operate a source of air emissions, in violation of 30 Tex. Admin. Code § 116.110(a) and Tex. Health & Safety Code

§§ 382.085(b) and 382.0518(a), as documented during an investigation conducted from June 24 through July 8, 2014. Specifically, the Respondent failed to obtain authorization to conduct dry abrasive cleaning.

- 2. Failed to store paint in closed containers, in violation of 30 TEX. ADMIN. CODE § 106.433(2)(C), TEX. HEALTH & SAFETY CODE § 382.085(b), and Permit by Rule ("PBR") Registration No. 86066, as documented during an investigation conducted from June 24 through July 8, 2014. Specifically, open containers of paint were observed at the Plant.
- 3. Failed to conduct surface coating in an enclosed paint booth equipped with an elevated exhaust stack of at least 1.5 times the building height or 36 feet and dry filters with a 95% removal efficiency and with a face velocity at the filter of 250 ft/min, in violation of 30 Tex. Admin. Code § 106.433(6)(B) and (C), Tex. Health & Safety Code § 382.085(b), and PBR Registration No. 86066, as documented during an investigation conducted from June 24 through July 8, 2014. Specifically, it was observed that painting operations were conducted in a partially enclosed paint booth without an exhaust stack attached or filtration components to control emissions.
- 4. Failed to maintain sufficient records in order to demonstrate compliance with the PBR for surface coating, in violation of 30 Tex. Admin. Code § 106.433(8)(B) and (C), Tex. Health & Safety Code § 382.085(b), and PBR Registration No. 86066, as documented during an investigation conducted from June 24 through July 8, 2014. Specifically, records of daily coatings and solvent use and actual hours of operation of each coating or stripping operation, and a monthly report representing actual hours of operation each day, emissions from each day, and emissions from each operation in pounds per hour, pounds per day, pounds per week, and tons emitted in the past year were not being maintained.
- 5. Failed to maintain authorization to discharge stormwater associated with industrial activities under Texas Pollutant Discharge Elimination System ("TPDES") Multi-Sector Industrial General Permit ("MSGP") No. TXR05X853, in violation of 30 Tex. ADMIN. CODE § 281.25(a)(4) and 40 CODE OF FEDERAL REGULATIONS § 122.26(c), as documented during an investigation conducted from June 24 through July 8, 2014.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to

"TCEQ" and shall be sent with the notation "Re: ALNC, INC., Docket No. 2014-1588-MLM-E" to:

Financial Administration Division, Revenue Operations Section Attention: Cashier's Office, MC 214 Texas Commission on Environmental Quality P.O. Box 13088 Austin, Texas 78711-3088

- 2. It is further ordered that the Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order:
 - i. Implement measures and/or procedures to ensure records are maintained in accordance with 30 Tex. ADMIN. CODE § 106.433(8). Specifically:
 - (1) Data of daily coatings and solvent use and the actual hours of operation of each coating or stripping operation; and
 - (2) A monthly report that represents actual hours of operation each day, and emissions from each operation in the following categories:
 - (a) Pounds per hour;
 - (b) Pounds per day;
 - (c) Pounds per week; and
 - (d) Tons emitted from the Plant during the previous 12 months.
 - ii. Implement measures and/or procedures to ensure paint is stored in closed containers;
 - iii. Develop and implement a Storm Water Pollution Prevention Plan to comply with the requirements of TPDES MSGP No. TXR050000; and
 - iv. Submit a completed Notice of Intent to:

Storm Water and Pretreatment Team, MC 148 Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711-3087

b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance

with Ordering Provision No. 2.a. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Air Section Manager San Angelo Regional Office Texas Commission on Environmental Quality 622 South Oakes, Suite K San Angelo, Texas 76903-7035

- 3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Site operations referenced in this Agreed Order.
- 4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
- 5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

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- 6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
- This Agreed Order may be executed in separate and multiple counterparts, which 7. together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission. including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraying, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX, BUS, ORG, CODE § 1.002.
- 8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier.

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SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission		
Ram Morin of	09/14/15	
For the Executive Director	Date	

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

Signature

Date
1/12- President

Name (Printed or typed)

Authorized Representative of

ALNC, INC.

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Section IV, Paragraph 1 of this Agreed Order.